



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

October 22, 2024

Thomas Basiliere Living Trust & Sharon Syrek Living Trust
47 Langdon Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property at 47 Langdon St, Portsmouth, NH (LU-24-159)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 15, 2024**, considered your application for constructing a sunroom on the rear of the existing structure which requires the following: 1) Variance from Section 10.521 to allow 43% building coverage where 35% is the maximum allowed. Said property is shown on Assessor Map 138 Lot 29 and lies within the General Residence C (GRC) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Phyllis Eldridge

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 10-15-2024

Property Address: 47 Langdon St

Application #: LU-24-159

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none"> It will have no impact on the public's health, safety, or welfare.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> The will be no change in use and the light and air will be preserved.
10.233.23 Granting the variance would do substantial justice.	YES	<ul style="list-style-type: none"> There will be no benefit to the public by denying the variance and there will be considerable harm to the applicant if it were denied.
10.233.24 Granting the variance would not diminish the values of surrounding properties.	YES	<ul style="list-style-type: none"> Several abutters spoke in favor the petition, and if there were concerns about property values, they would have argued against it.

<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p>YES</p>	<ul style="list-style-type: none"> • It is a small lot, like many of the properties in the area, and it is bigger than the 3500 square feet but not by much. • The existing structure has been altered in such a way that at least part of the living area is not useful to the applicant. • The location of the structure and the shape of the sun room and limiting it to one story means that it will have little impact on the abutters. • It will not be noticeable from the street or from one side at all, and several properties in the area are similar.
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ZONING BOARD OF ADJUSTMENT

October 22, 2024

Garrett R Marchand & Margaret McCurdy
33 Harrison Avenue
Portsmouth, New Hampshire 03801

RE: Board of Adjustment Request for Property at 33 Harrison Avenue, Portsmouth, NH (LU-24-179)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 15, 2024**, considered your application for after the fact approval for construction of a shed which requires the following: 1) Variance from Section 10.573.20 to allow a 3 foot rear yard and 5 foot right side yard where 9 feet is required for both; and 2) Variance from Section 10.521 to allow 22% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Map 251 Lot 16 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in cursive script that reads "Phyllis Eldridge". The signature is written in black ink and is positioned above the printed name.

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 10-15-2024

Property Address: 33 Harrison Avenue

Application #: LU-24-179

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	YES	<ul style="list-style-type: none"> • The backyard shed does not conflict with the purpose of the ordinance and will not alter the essential character of the neighborhood. • The other neighbors also have backyard sheds in similar locations and they do not threaten the public's health, safety or welfare or otherwise injure public rights.
10.233.22 Granting the variance would observe the spirit of the Ordinance.	YES	<ul style="list-style-type: none"> • The backyard shed does not conflict with the purpose of the ordinance and will not alter the essential character of the neighborhood. • The other neighbors also have backyard sheds in similar locations and they do not threaten the public's health, safety or welfare or otherwise injure public rights.

<p>10.233.23 Granting the variance would do substantial justice.</p>	<p>YES</p>	<ul style="list-style-type: none"> • The benefit to the applicant will not be outweighed by harm to the general public or to other individuals and will clearly benefit the applicant.
<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>	<p>YES</p>	<ul style="list-style-type: none"> • It is a new shed for backyard storage.
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>	<p>YES</p>	<ul style="list-style-type: none"> • It is a reasonable use to have a backyard shed. There is no fair and substantial relationship between the purpose of the ordinance and the specific application to the property by placing the shed in a back corner similar to all the neighbors' sheds.



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ZONING BOARD OF ADJUSTMENT

October 22, 2024

Northeast Credit Union
Atn: Accounting
PO Box 1240
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment request for property located at 100 Borthwick Avenue,
Portsmouth NH (LU-24-165)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 15, 2024**, considered your application for performing a lot line adjustment which will expand the parking lot which is an existing non-conforming use on the lot which requires the following: 1) Variance from 10.440 to allow a surface parking lot as a principal use where it is not allowed. Said property is shown on Assessor Map 259 Lot 15 and lies within the Office Research (OR) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Phyllis Eldridge

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Raquelle Kemnitz, Applicant



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ZONING BOARD OF ADJUSTMENT

October 22, 2024

Kent & Jennifer Bonniwell
108 Forest Street
Wellsley, Massachusetts 02481

**RE: Board of Adjustment request for property located at 332 Hanover Street,
Portsmouth, NH (LU-24-170)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 15, 2024**, considered your application for demolishing the existing primary and accessory structure and constructing a 2-living unit structure which requires the following: 1) Variance from Section 10.5A41.10A to allow: a) 2,167 square feet of lot area per dwelling unit where 3,000 square feet is required; b) a secondary front yard of 17 feet where 12 feet is the maximum; and c) a finished floor surface 6 feet above the sidewalk grade where 36 inches is maximum. Said property is shown on Assessor Map 126 Lot 43 and lies within the Character District 4-L1 (CD4-L1). As a result of said consideration, the Board voted to **deny** the request because it fails to prove the proposal is not contrary to the public interest (10.233.21) and observes the spirit of the ordinance (10.233.22)

The Board's decision may be appealed up to thirty (30) days after the vote. Please contact the Planning & Sustainability Department for more details about the appeals process.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc:

Findings of Fact | Variance

City of Portsmouth Zoning Board of Adjustment

Date: 10-15-2024

Property Address: 332 Hanover Street

Application #: LU-24-170

Decision: **Deny**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	NO	<ul style="list-style-type: none"> The purpose and intent of the character-based zoning is to encourage development that is compatible with the established character of its surroundings and consistent with the city's goals for the preservation and enhancement of the area. That is accomplished by providing a range of standards for the elements of development and buildings that define a place. Since the application includes the proposed structure, it is something the Board has to consider, particularly when talking about the character-based zoning in which the property sits.

<p>10.233.22 Granting the variance would observe the spirit of the Ordinance.</p>	<p>NO</p>	<ul style="list-style-type: none"> The purpose and intent of the character-based zoning is to encourage development that is compatible with the established character of its surroundings and consistent with the city's goals for the preservation and enhancement of the area. That is accomplished by providing a range of standards for the elements of development and buildings that define a place. Since the application includes the proposed structure, it is something the Board has to consider, particularly when talking about the character-based zoning in which the property sits.
<p>10.233.23 Granting the variance would do substantial justice.</p>		
<p>10.233.24 Granting the variance would not diminish the values of surrounding properties.</p>		
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>		